



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,590	10/26/2001	Alexander Tormasov	44151-00005USPT	8122

26111 7590 06/27/2005

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

BATAILLE, PIERRE MICHE

ART UNIT	PAPER NUMBER
----------	--------------

2186

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,590

Applicant(s)

TORMASOV ET AL.

Examiner

Pierre-Michel Bataille

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 14-24, 26-31 and 35 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 10-13, 25 and 32-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

ND

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to Applicant's communication filed April 14, 2005 in responding to Final Action dated February 17, 2005. Applicant's amendment and/or arguments have been considered with the results that follow. Claims 1-8 and 10-45 are pending in the application under prosecution, as claim 9 has been previously canceled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-8 and 10-45 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2186

4. Claims 1-4, 7-8, 14-24, 26-31, and 35-45 are rejected under 35

U.S.C. 102(e) as being anticipated by US 6,823,462 (Cheng et al).

With respect to claim 1, Cheng discloses a private network with cluster nodes associated one group name, comprising: a computer cluster formed by a plurality of hardware-independent cluster nodes, said computer cluster including a control center (***enterprise private intranet with a plurality of computer nodes, a node designated as a server node and the other designated as client nodes***) [Fig. 1; Col. 3, Lines 15-32]; and a plurality of virtual environments running on the computer cluster (***virtual private networks with a plurality of virtual channels designated as nodes***) [Fig. 3, Col. 4, Lines 1-25] wherein the virtual environments do not require dedicated memory, wherein said control center coordinates functions of said plurality of hardware-independent cluster nodes (***server node creates security policies describing the characteristics of the of the network and to maintain the plurality of users***). [Fig. 3; Col. 4, Lines 19-25]

With respect to claim 2, Cheng discloses the network wherein said plurality of hardware-independent cluster nodes further comprises a distributed file system having a common name space (***group database with a common group name***) Col. 2, Lines 1-7].

With respect to claim 3, Cheng discloses the network wherein said distributed file system is integrated and optimized for said computer cluster

Art Unit: 2186

[group database with group name and group policy definition, Col. 2, Lines 1-7].

With respect to claim 4, Cheng discloses the network wherein said distributed file system stores data for the plurality of virtual environments ***[group database with group name and group policy definition, Col. 2, Lines 1-7].***

With respect to claims 7-8, 14-24, 26-31, 35-45, the claims repeat in scope the features required in claims 1-4 addressed above and are rejected based on the same remarks noted above.

5. Claims 1-4, 7-8, 14-24, 26-31, and 35-45 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,701,437 (Hoke et al).

With respect to claim 1, Hoke discloses a private network with cluster nodes associated one group name, comprising: a computer cluster formed by a plurality of hardware-independent cluster nodes, said computer cluster including a control center; and a plurality of virtual environments running on the computer cluster wherein the virtual environments do not require dedicated memory, wherein said control center coordinates functions of said plurality of hardware-independent cluster nodes [Fig. 1; Col. 5, Line 59 to Col. 10, Line 39; Col. 7, Lines 7-45].

With respect to claim 2, Hoke discloses the network wherein said plurality of hardware-independent cluster nodes further comprises a distributed file

Art Unit: 2186

system having a common name space [Fig. 1; Col. 5, Line 59 to Col. 10, Line 39; Col. 7, Lines 7-45].

With respect to claim 3, Hoke discloses the network wherein said distributed file system is integrated and optimized for said computer cluster [Fig. 1; Col. 5, Line 59 to Col. 10, Line 39; Col. 7, Lines 7-45].

With respect to claim 4, Cheng discloses the network wherein said distributed file system stores data for the plurality of virtual environments [Fig. 1; Col. 5, Line 59 to Col. 10, Line 39; Col. 7, Lines 7-45].

With respect to claims 7-8, 14-24, 26-31, 35-45, the claims repeat in scope the features required in claims 1-4 addressed above and are rejected based on the same remarks noted above.

Allowable Subject Matter

6. Claims 5-6, 10-13, 25, 32-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

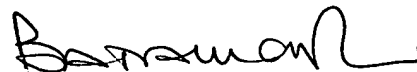
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone

Art Unit: 2186

number is (571) 272-4178. The examiner can normally be reached on Mon-Fri (8:30A to 5:00P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre-Michel Bataille
Primary Examiner
Art Unit 2186

June 10, 2005

**PIERRE BATAILLE
PRIMARY EXAMINER**